IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

W.A.Nos.492, 494 and 498 to 523 of 2005

WRIT APPEAL No.492 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10220 of 2004 on the file of the High Court.)

Between:

Mr. K. Anjaiah, @ Anjaneyulu, R/o 9-1-333/2/1/A/20, Bapughat Nagar, Langur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolarm,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

ASST.SOLICITOR GENERAL

WRIT APPEAL No. 494 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10232 of 2004 on the file of the High Court)

Between:

Smt. P. Kamalamma, W/o Poolchand,
R/o 9-1-333/2/1/21, Bapughat Nagar, Laungar House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.T.JAGDISH

Counsel for the Respondents: Mr.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.498 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10751 OF 2004 on the file of the High Court.)

Between:

D. Muttaiah S/o Laxmaiah
R/o 9-1-265/D/14, Bapughat Nagar, Langar House, Hyderabad

..... APPELLANT

AND

1 Artillery Centre, Golconda, Hyderabad
2 The Estate Officer-cum-Commandant,

Head Quarters Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

WRIT APPEAL No. 499 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated

20/12/2004 in W.P.No.10222 of 2004 on the file of the High Court.)

Between:

Mr. K. Satyanarayana Rao, S/o. K. Bheem Rao,
R/o 9-1-333/2/1/2/24, Bapughat Nagar, Loungar House, Hyderabad.

..... APPELLANT

AND

1 Artillery Centre, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant, Head Quarters,

Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No. 500 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10223 OF 2004 on the file of the High Court)

Between:

Mr. J. Chandraiah, S/o. J. Balaiah,
R/o. 9-1-333/2/1/A/23, Bapughatnagar, Lounger House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant, Headquarters

Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.501 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10224 OF 2004 on the file of the High Court)

Between:

Mrs.N.Chandramma, w/o Laxmaiah,
R/o 9-1-333/2/1/A/4, Bapughat Nagar, Longar House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 502 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10749 OF 2004 on the file of the High Court)

Between:

Mrs. N. Laxmi, W/o Jangaiah,
R/o 9-1-333/2/1/32, Bapughat Nagar, Loungur House. Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer -cum- Commandant,

Headqurters Andhra Sub Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for Respondents: Mr.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 503 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10229 of 2004 on the file of the High Court)

Between:

D.Vinayaseela, D/o.A.bhasker,
Bapughat Nagar Longur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant,

Head Quarters, Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 504 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10290 OF 2004 on the file of the High Court)

Between:

Smt. A. Kalavathi, W/o. ananthaiah,
R/o. 9-1-333/2/1/A/12, BApughat Nagar, Langur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Centre, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant,

Headquarters Andhra Sub-Area at Bolarm,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 505 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10287 OF 2004 on the file of the High Court)

Between:

Smt. Sulochana W/o Yadaiah r/o 9-1-333/2/1/15, Bapughat Nagar,
Langar House, Hyderabad

..... APPELLANT

AND

1 Artiller Centre, Golconda, Hyderabad
2 The Estate Officer-cum-Commandant,

Head Quarters Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No. 506 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/10/2004 in W.P.No.10299 OF 2004 on the file of the High Court.)

Between:

T. Jamuna Bai, W/o. T. Uday Singh,
R/o H.No. 9-1-333/2/1/9, Bapughat Nagar, Langourhouse, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.507 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10226 OF 2004 on the file of the High Court.)

Between:

Mrs.Nagamma, W/o.Manikya Rao,
R/o.9-1-333/2/17, Bapughut Nagar, Lungar House, Hyderabad.

..... APPELLANT

AND

1 Artillery Centre, Golconda, Hyderabad,
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No. 508 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10228 OF 2004 on the file of the High Court.)

Between:

Mr.R.Sambaiah, S/o.R.Kondaiah
Bapughat Nagar, Longur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant,

Headquarters Andhra Sub Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.T.JAGDISH

Counsel for Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.509 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10230 OF 2004 on the file of the High Court)

Between:

T.Subbamma, W/o.Venkateswarlu,
R/o H.No.9-1-333/2/2/1, Bapughat Nagar, Longur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.T.JAGDISH

Counsel for Respondents: MR.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.510 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10231 OF 2004 on the file of the High Court)

Between:

G.Kondaiah, S/o.Ankaiah,
R/o.9-1-333/2/1/A/26, Bapughat Nagar Langar House,
Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.T.JAGDISH

Counsel for Respondents: MR.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.511 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10307 OF 2004 on the file of the High Court)

Between:

Mrs.Indira, W/o.Tikaram,
R/o.9-1-33/2/1/14, Bapughat Nagar, Loungur House,
Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.T.JAGDISH

Counsel for Respondents: MR.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No. 512 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10288 OF 2004 on the file of the High Court.)

Between:

K.Nageswara Rao, S/o.Anantaiah
Bapughat Nagar, Langar House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad
2 The Estate Officer-Cum-Commanant,

Headquarters Andhra Sub Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 513 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10225 OF 2004 on the file of the High Court)

Between:

N. Pochaiah S/o N. Mallaiah, R/o 9-1-333/2/1/A/20,

Bapught Nagar, Langur House, Hyderabad

..... APPELLANT

AND

1 Artillery Centre, Golconda, Hyderabad
2 The Estate Officer-Cum-Commandant,

Head Quarters Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Counsel for the Appellant: Mr.T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No. 514 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10291 OF 2004 on the file of the High Court.)

Between:

Pradeep Singh, S/o.Gullab Singh
R/o 9-1-333/2/1/34, Bapughat Nagar, Langur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad
2 The Estate Officer-Cum-Commandant,

Headquarters Andhra Sub Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 515 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10221 OF 2004 on the file of the High Court)

Between:

Mr. A.Sailu, S/o. Jangaiah,
R/o. Bapughat Nagar, Langar House, Hyderabad. R/o. 9-1-333/2/1/A/20

..... APPELLANT

AND

1 Artillerty Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolarm, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No.516 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10747 OF 2004 on the file of the High Court)

Between:

C.Kannaiah, S/o.Yellaiah, 9-1-33/2/1/A/15,
Bapughat Nagar, Loungur House,
Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 517 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10301 OF 2004 on the file of the High Court.)

Between:

Mr. B. Jagadeeshwar Rao, S/o. Eswaraiah,
R/o. 9-1-333/2/1/A/20, Bapughat Nagar, Langur House,
Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant,

Headquarters Andhra sub-Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.518 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10233 OF 2004 on the file of the High Court.)

Between:

R. Rama Laxmi, 9-1-333/2/1/A/1,
Bapughatnagar, Langar House Hyderabad

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No.519 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in W.P.No.10298 OF 2004 on the file of the High Court)

Between:

Mr.K.Lokeshwar, s/o K.B.Sudharshanam,
R/o 9-1-333/2/1A/1, Bapughat Nagar, Loungur House,

Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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WRIT APPEAL No. 520 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10798 OF 2004 on the file of the High Court)

Between:

M. Anasuyamma, s/o Manikya Rao,
9-1-333/2/1/A/9, Bapughat Nagar, Langar House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub Area at Bolaram,

Secunderabad.

.....RESPONDENTS

Counsel for the Appellant : Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 521 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10297 OF 2004 on the file of the High Court)

Between:

Mr. D. Ramachander, s/o D. Venkaiah,
R/o 9-1-333/1/A/23, Bapughat Nagar, Langur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Head Quarters Andhra Sub Area at Bolaram,
Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 522 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10750 OF 2004 on the file of the High Court)

Between:

D.Narsimhulu, s/o Jagaiah,
R/o 9-1-333/2/1/A/6, Bapughat Nagar, Langur House, Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

WRIT APPEAL No. 523 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/12/2004 in WP No.10286 OF 2004 on the file of the High Court.)

Between:

A. Narayana, S/o. Ramulu,
R/o. 9-1-333/2/37, Bapughatnagar, Loungar House,
Hyderabad.

..... APPELLANT

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant,

Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. T.JAGDISH

Counsel for the Respondents: Mr. A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

The Court at the admission stage made the following :

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE Mr. JUSTICE C.V.RAMULU

W.A.Nos.492, 494 and 498 to 523 of 2005

COMMON JUDGMENT : (per **C.V. RAMULU,J**)

All these writ appeals are being disposed of by a common Judgment, since they

arise out of a common Order passed by a learned single Judge of this Court in W.P.No.10216 of 2004 and batch, dated 20-12-2004, identical in nature and common issues are involved.

The writ petitioners are the appellants. The parties are hereinafter referred to as arrayed in the writ petitions.

It is alleged by the writ petitioners that they are residing in small houses constructed in Government poramboke land in Sy.No.205 of Quilla Mohammed Nagar village, Langerhouse, Hyderabad. They are landless poor and residing in the said houses for the last several years. In fact, the Mandal Revenue Officer, Golconda on due recognition of their occupation, constructed a community hall and their houses are connected with water pipelines and electricity supply. They are in peaceful and uninterrupted possession through their predecessors in title for more than 50 years and they have perfected title to the land by way of adverse possession.

While so, the respondents initiated proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act,1971 (for short 'the Act'). The writ petitioners contested the matter before the 2nd respondent-Estate Officer by way of filing a detailed counter affidavit stating that the land in question is recorded as patta land of Mohsin Bin Ali and Chakali Pentaiah and they are the true owners and pattedars of the land. Petitioners have constructed residential houses and they were given municipal numbers. They have produced tax receipts, electricity bills, assessment orders issued by the Municipal Corporation of Hyderabad, Agreements of Sale etc. However, the 2nd respondent held that the petitioners are encroachers upon the property belonging to the Government of India and passed Order dated 11-10-2003 for eviction of the petitioners from their respective portions of the land in occupation. Aggrieved by the order passed by the 2nd respondent, the petitioners and others filed appeals before the Chief Judge, City Civil Court, Hyderabad. It was urged before the appellate authority that the 2nd respondent-Estate Officer without framing any issues for consideration and without hearing the counsel, passed prototype orders. It was further urged that the Estate Officer did not follow the procedure in strict compliance of the principles of natural justice by affording reasonable opportunity of hearing and acted fairly and without any bias. It was also urged that the land in question belongs to Government of Andhra Pradesh and the proceedings were initiated on the premise that the land belongs to the Government of India,

which is not correct.

Before the learned Chief Judge, City Civil Court, a detailed counter affidavit has been filed by the respondents asserting that as per the Military Land Register, an extent of 1005.03 gts of land was acquired under the Requisition and Acquisition of Immovable Property Act,1952 for defence purposes of Artillery Centre, Golconda, Hyderabad under the provisions of the Defence Act,1962 and compensation was paid to the original pattedars after approval of the Ministry of Defence, Government of India. The land involved in this *lis* i.e. an extent of Ac.13.02 gts in Sy.No.205 also included in the said extent of the land acquired. The compensation was paid to original pattedar Mohsin Bin Ali. It is not a poramboke land as claimed by the petitioners.

Learned Chief Judge, City Civil Court framed the following two issues for consideration:

1. Whether the premises is a public premises ? and

2. Whether the appellant is unauthorized occupant ?

After appreciating the entire evidence placed before him, the learned Chief Judge came to the conclusion that the land in question was acquired after publication of notice in Form-J in the official gazette and compensation was paid thereafter to original pattedar, after the approval of the Government of India. Thus, the Ministry of Defence has become the owner of the property and in fact, the same was duly registered in the Military Land Register; therefore, this is a public premises and further held that merely paying municipal taxes or electricity charges will not confer any title in property. If the petitioners have any title, they can approach the competent Court seeking for declaration as owner. The petitioners are unauthorized occupants and, therefore, the Estate Officer has rightly passed the eviction order. In the result, the appeal was dismissed. Aggrieved by the same, the above batch of writ petitions were filed before this Court. The learned single Judge, after going through the proceedings of the Estate Officer, the Judgment and Decree made by the learned Chief Judge, City Civil Court and the other material made available on record and after thorough scrutiny of the law declared by the Apex Court in this regard, came to the conclusion that the petitioners have not produced any evidence to substantiate

their plea that there is a title dispute between the Government of Andhra Pradesh and Ministry of Defence of Government of India over the said property, which stand was not taken before the Estate Officer and held that the order passed by the Chief Judge, City Civil Court does not suffer from any infirmity and does not call for interference in the writ petitions and thus dismissed the same. Challenging the said common order, the present writ appeals are filed.

Sri T. Jagdish, learned counsel for the appellant-writ petitioners, canvassed and contended only one ground before us, as was urged before the learned single Judge, that no reasonable opportunity was afforded to the appellants by the Estate Officer while passing the order of eviction and the learned Chief Judge, City Civil Court also did not frame any issue as to this aspect. Except this, no other legal or factual arguments were advanced.

Sri A.Rajasekhar Reddy, learned Assistant Solicitor General, supported the order under appeal and submitted that the proceedings under the Act are summary in nature and every opportunity was given to the writ petitioner-appellants to putforth their case. The writ petitioner-appellants failed to substantiate their claim and the order under appeals does not call for interference at our hands.

We have given our anxious consideration to the submissions made by the learned counsel on either side and gone through the common order of the learned single Judge, the order made by the learned Chief Judge, City Civil Court and also the order passed by the Estate Officer and other material made available on record.

Absolutely, there is no basis for the writ petitioner-appellants to contend that the Estate Officer has not given opportunity to putforth their case before him and the same is in violation of principles of natural justice. In fact, the learned single Judge while taking note of this aspect held as under:

> "……It is well settled that if primary authority order does not comply with the principles of natural justice, when the same is confirmed in appeal by the appellate authority after providing an opportunity of hearing to the petitioner, it is only the order of the appellate authority that can be questioned and not the order of the primary authority. In other words, when once the order of the primary authority is confirmed by the appellate authority, it gets merged in the order of the appellate authority and thereafter, it is only the order of the appellate authority that can be questioned and not the order of the primary authority….."

It was also noticed by the learned single Judge that :

> "……the conduct of the parties is also very much essential to consider the

submission of the counsel for the petitioner that non-providing opportunity of hearing whether prejudiced the claim of the petitioner. As already observed, no documents, as such, were filed before the appellate authority or before this Court to substantiate that proceedings initiated under the Act are unwarranted in view of the title dispute to the land. In their reply before the Estate Officer, it is categorically asserted by the petitioners that revenue records show some persons known as Moshin Bin Ali, Chakali Pentaiah as pattedars and area was never subjected to any kind of survey or settlement and in any event, the land in occupation of the recipients of the notices belong to private persons, it is for them to claim the said land in terms of due process of law and Defence Ministry has no right, title or interest over the said property. But, whereas, in the Grounds of Appeal before the Appellate Authority, they admitted that their ancestors or present occupants have been in possession of the respective land since more than 40 years and since said possession has not been disturbed for more than 40 years, they perfected their title by prescription....."

From the above, it is clear that the writ petitioner-appellants have not placed any evidence either before the primary authority or the appellate authority (Chief Judge, City Civil Court) or in this Court, when the writ petitions were heard. The claim of the writ petitioners was also vague. At one stage, they claimed that they are the owners of the land and at another stage they claimed that the land in question is a poramboke land belonging to the Government of Andhra Pradesh. However, they were not able to establish that there was any dispute as to the title of land between the Government of India and Government of Andhra Pradesh. Before the Estate Officer, the writ petitioners contested the matter saying that the land in question is a patta land of Mohsin Bin Ali and Chakali Pentaiah. At appellate stage, the writ petitioners claimed that the land in question is 'poramboke' land and belongs to Government of Andhra Pradesh. Merely the houses are connected with electricity supply and water pipelines, the writ petitioners cannot get any right or title to squat over the property. We are of the considered opinion that the writ petitioner-appellants have not made out any ground to interfere with the well reasoned Order passed by the learned single Judge.

The Writ Appeals fail and are accordingly dismissed. However, we consider it appropriate to grant three more months time to the appellants for vacating their respective lands i.e. till the end of June,2005. No order as to costs.

B.Sudershan Reddy, J

30-3-2005

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C.V.Ramulu, J

Prk

DEPUTY REGISTRAR

/TRUE COPY/

SECTION OFFICER.

To

1 Artillery Center, Golconda, Hyderabad.
2 The Estate Officer-cum-Commandant,

Headquarters Andhra Sub-Area, Bolarum,
Secunderabad.

3 CD copies